

WEST VIRGINIA CODE: §5-16-4

§5-16-4. Public Employees Insurance Agency Finance Board continued; qualifications, terms and removal of members; quorum; compensation and expenses; termination date.

(a) The Public Employees Insurance Agency Finance Board is continued and consists of the Secretary of the Department of Administration or his or her designee and eight members appointed by the Governor, with the advice and consent of the Senate, for terms of four years and each may serve until his or her successor is appointed and qualified. Members may be reappointed for successive terms. No more than five members, including the Secretary of the Department of Administration, may be of the same political party. Effective July 1, 2017, members of the board shall satisfy the qualification requirements provided for by subsection (b) of this section: Provided, That any member serving upon the effective date of this section who does not satisfy a requirement of subsection (b) may continue to serve until his or her successor has been appointed and qualified. The Governor shall make appointments necessary to satisfy the requirements of subsection (b) to staggered terms as determined by the Governor.

(b) (1) Of the eight members appointed by the Governor with advice and consent of the Senate:

(A) One member shall represent the interests of education employees. The member must hold a bachelor's degree, must have obtained teacher certification, must be employed as a teacher for a period of at least three years prior to his or her appointment and must remain a teacher for the duration of his or her appointment to remain eligible to serve on the board.

(B) One member shall represent the interests of public employees. The member must be employed to perform full- or part-time service for wages, salary or remuneration for a public body for a period of at least three years prior to his or her appointment and must remain an employee of a public body for the duration of his or her appointment to remain eligible to serve on the board.

(C) One member shall represent the interests of retired employees. The member must meet the definition of retired employee as provided in section two of this article.

(D) One member shall represent the interests of a participating political subdivision. The member must have been employed by a political subdivision for a period of at least three years prior to his or her appointment and must remain an employee of a political subdivision for the duration of his or her appointment to remain eligible to serve on the board. The member may not be an elected official.

(E) Four members must be selected from the public at large, meeting the following requirements:

(i) One member selected from the public at large must generally have knowledge and expertise relating to the financing, development or management of employee benefit programs;

(ii) One member selected from the public at large must have at least three years of experience in the insurance benefits business;

(iii) One member selected from the public at large must be a certified public accountant with at least three years of experience with financial management and employee benefits program experience; and

(iv) One member selected from the public at large must be a health care actuary or certified public accountant with at least three years of financial experience with the health care marketplace.

(2) No member of the board may be a registered lobbyist.

(3) All appointments shall be selected to represent the different geographical areas within the state and all members shall be residents of West Virginia. No member may be removed from office by the Governor except for official misconduct, incompetence, neglect of duty, neglect of fiduciary duty or other specific responsibility imposed by this article or gross immorality.

(c) The Secretary of the Department of Administration shall serve as chair of the finance board, which shall meet at times and places specified by the call of the chair or upon the written request to the chair of at least two members. The Director of the Public Employees Insurance Agency shall serve as staff to the board. Notice of each meeting shall be given in writing to each member by the director at least three days in advance of the meeting. Five members shall constitute a quorum. The board shall pay each member the same compensation and expense reimbursement that is paid to members of the Legislature for their interim duties for each day or portion of a day engaged in the discharge of official duties.

(d) Upon termination of the board and notwithstanding any provisions in this article to the contrary, the director is authorized to assess monthly employee premium contributions and to change the types and levels of costs to employees only in accordance with this subsection. Any assessments or changes in costs imposed pursuant to this subsection shall be implemented by legislative rule proposed by the director for promulgation pursuant to the provisions of article three, chapter twenty-nine-a of this code. Any employee assessments or costs previously authorized by the finance board shall then remain in effect until amended by rule of the director promulgated pursuant to this subsection.